

DA ✓
JPW

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: Kenny Lannes

Application No.: 10/701,514

Art Unit:

Filed: 11-06-2003

Examiner:

Title:

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Correction to Abstract & Claim (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/28/2005 SSITHIB1 00000111 10701514 750.00 DP
01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

12/22/05
Date

Kenneth J. Lannes
Typed or printed name

Registration Number, if applicable

607 English Turn Dr.
Address

228 326 3196

Telephone Number

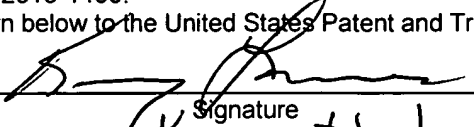
New Orleans, LA. 70131
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

12/22/05
Date


Signature
Kenneth Lannes
Typed or printed name of person signing certificate



Petition for revival of an application for patent abandoned unintentionally under 37
CR 1.137(b)

12/22/2005

After the patent was filed on 11/06/2003 I waited to hear a reply from the PTO. I have two previous patents and was well aware that this is a lengthy process. Later I received a letter with the assigned application number for the application – 10/701,514. About a year after that I called and checked with the PTO on the status of the application. It was either at this time, or later when I called about the abandonment notice, that I talked with agent Cronin. The first time I called, I was told that everything was in order and the application was being processed. Apparently this was not the case and I later received the abandonment notice. Why I did not receive the necessary communiqué, or was told of any problems when I called, I do not know, I made an effort to check on the status.

After trying to understand what had happened by retracing my documentation, I decided to give up and just petition for revival of the application. It was at this time I was told by an agent on the phone that I should have 1 to 2 years to reapply, he wasn't 100% sure. I was disappointed I could not get a more definite answer. However, I did find the following at the PTO website under "Typical problems found in 37 CFR 1.137 Petitions" paragraph 4 –

"While questions are not normally raised when petitions under the unintentional standard are filed within one year of the date of abandonment, it is not appropriate to intentionally delay"

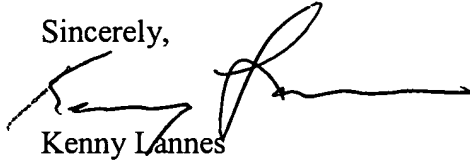
Given the Notice of Abandonment was mailed 01-6-2005, I have done my best to meet the one year recommendation and am meeting this deadline with this petition. The number one obstacle in filing the petition was the financing. This caused an unintentional delay along with not knowing there was an issue with the original application. However after funding was available, Hurricane Katrina struck. To this day I am still permanently dislocated and have lost many of my personal and business records, including my original copy of the patent application. I hope the PTO understands that the national tragedy due to Katrina was beyond any of our wildest dreams. We lost all of the computers and filing cabinets in our offices. You can see from the original application that I lived in New Orleans. My current temporary address is

3420 Government St.
Ocean Springs, MS 39564

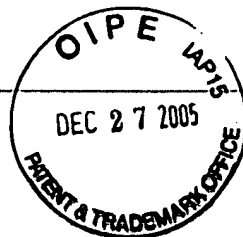
To add insult to injury, following this explanation you will find a print out of an email from the PTO explaining that the request for my copy of the patent has been denied. After I angrily explained that I had already explained my circumstances 3 times over the phone and had lost everything in Katrina, the PTO employee I was dealing with, finally processed my request.

Furthermore, it is confusing in that the number on the "Notice of Abandonment", 703-305-9282, is apparently not the correct number. Trying to call the number only gives me a recording that the number was dialed incorrectly. Please direct all correspondence to my new address. For these reasons, I am petitioning the USPTO to revive application number 10/701,514. Enclosed are the appropriate fees and replies.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Lannes", with a long horizontal stroke extending to the right.

Kenny Lannes
Cell 228 326 3196

Lannes, Kenneth J. (Ship Systems)

From: DSD Mailbox [DSD@uspto.gov]
Sent: Monday, December 12, 2005 10:24 AM
To: Lannes, Kenneth J. (Ship Systems)
Subject: RE: Attn: At Cost Service

Thanks for your request. Sorry, your order is being rejected because you did not submit a reason for urgency. If you have any further questions please contact. Also you need to submit your phone number.

-----Original Message-----

From: Lannes, Kenneth J. (Ship Systems) [mailto:Kenneth.Lannes@ngc.com]
Sent: Monday, December 12, 2005 7:37 AM
To: DSD Mailbox
Subject: Attn: At Cost Service

You have told me there will be a total charge of \$160 to get me a copy of application 10/701,914. This is acceptable, please expedite this. I need the document by 12/15/2005. Please send to the following address per my previous email:

To Kenneth Lannes
3420 Government St.
Ocean Springs, MS 39564

Please charge all copy and shipping charges to my VISA card
4034 6300 0004 9979

EXP 04/08

Billing Address 3201 Rue Parc Fontaine, apt 2525

New Orleans, La. 70131

Sincerely,

Kenny Lannes

You can correspond back to the following email address:

kenneth.lannes@ngc.com

12/22/2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/701,514	11/06/2003	Kenneth John Lannes	

Kenneth John Lannes
 Apt. 2525
 3201 Rue Parc Fontaine
 New Orleans, LA 70131



CONFIRMATION NO. 7377

ABANDONMENT/TERMINATION
LETTER

OC000000014899930

Date Mailed: 01/06/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/22/2004.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

2132

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE